



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 26 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6124 0169

The Honorable Jim Gladden
Mayor
City of Nickerson
15 North Nickerson Street
Nickerson, Kansas 67561

Re: Nickerson Wastewater Treatment Facility, NPDES Permit No. KS0098132
Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C.
§ 1318

Response Required Within Fifteen (15) Days

Dear Mayor Gladden:

This letter requests information regarding the City's compliance with the requirements of its National Pollutant Discharge Elimination System Permit No. KS0098132 for its wastewater treatment facility. A representative from the U.S. Environmental Protection Agency conducted an inspection of the Nickerson WWTF on December 14 – 17, 2015, under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The City was sent a copy of the inspection report by certified mail, which was received on February 22, 2016. The purpose of this request is to obtain additional information regarding potential violations identified by the EPA during the inspection.

This letter and the enclosures are a request for information issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a). Section 308 authorizes, among other things, the EPA to require the City to furnish information necessary for the EPA to evaluate the City's compliance with the CWA and its NPDES permit. Pursuant to Section 308, you are required to provide the information requested in Enclosure 1 through the dates specified in the Request. Please read the instructions in the enclosure carefully before preparing your response. Enclosure 2 is a Statement of Certification. The Certification must accompany your response.

If you have any questions or concerns regarding this matter, you may contact Wayne Dillard at (913) 551-7885 or dillard.wayne@epa.gov.

Sincerely,



Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Ms. Jaime Gaggero, KDHE
Mr. Tom Stiles, KDHE
Ms. Allison Herring, KDHE SCDO

ENCLOSURE 1

INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

A. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.

B. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety. If your responses are qualified in any manner, please explain.

C. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.

D. The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be signed by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b).

E. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

F. Compliance with the provisions of this request for information is mandatory. If you do not respond fully and truthfully to this Information Request or adequately justify your failure to do so you may be subject to civil penalties or criminal fines under Section 309 of the Act, 33 U.S.C. § 1319. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.

G. All information should be submitted electronically to dillard.wayne@epa.gov.

H. Information that cannot be submitted electronically shall be sent by U.S. mail to:

Wayne Dillard, P.E.
Compliance Officer
U.S. Environmental Protection Agency Region 7
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.

II. Definitions

All terms used in this request, which are not defined below shall be defined in accordance with 33 U.S.C. § 1362 and 40 C.F.R. §122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this request for information:

"City" means the City of Nickerson, Kansas.

"DMR" means the monitoring reports required by the City's NPDES permit to be submitted monthly to the KDHE.

"KDHE" means the State of Kansas' Department of Health and Environment.

"NPDES permit" or "permit" means Kansas Department of Health and Environment National Pollutant Discharge Elimination System (NPDES) Permit number KS0098132 issued effective April 1, 2016 and expiring December 31, 2017.

III. Requested Information

Please submit your response within fifteen (15) days of receipt of this Information Request. Please clearly identify your responses with a numbering system corresponding to the items as listed below. (See, Section I, Instructions.)

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format, or electronically to dillard.wayne@epa.gov.

A. Preliminary Information

Identify the person to contact regarding your response, including title, address and phone number.

Your response to this Information Request is to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Information Regarding Wastewater Treatment Facility

1. Please provide the following information regarding the effluent box cover the City reportedly has installed to improve effluent quality:
 - a. The date installation of the cover was completed;

ENCLOSURE 2

STATEMENT OF CERTIFICATION

This Certification must be signed by a person described in 40 C.F.R. § 122.22(a) or by a duly authorized representative of that person, as described by 40 C.F.R. § 122.22(b).

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

I further certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

By _____
(Signature)

(Date)

(Printed Name)

(Title)

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

- b. Photographic documentation showing the cover in place; and
 - c. Certification that the City intends to retain and utilize the cover as a component of the wastewater treatment facility.
2. Please provide a copy of each DMR submitted to KDHE for the monitoring period from December 1, 2015 through April 30, 2016.